

FILED

SEP 01 2021

PETER A. MOORE, JR., CLERK  
US DISTRICT COURT, EDNC  
BY *[Signature]* DEP CLK

United States District Court  
Eastern District of North Carolina  
Western Division

Case No. 5:21-ct-3266

(To be filled out by Clerk's Office only)

Stephanie Dianna Elliott

(In the space above enter the full name(s) of the plaintiff(s).)

Inmate Number 5054126

-against-

AUSA Tobi Lathan  
DOJ Eastern District of NC

**COMPLAINT**

(*Pro Se* Prisoner)

Jury Demand?

Yes

No

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

**NOTICE**

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

## I. COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

- 42 U.S.C. § 1983 (state, county, or municipal defendants)
- Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)
- Action under Federal Tort Claims Act (United States is the proper defendant; must have presented claim in writing to the appropriate Federal agency and received a notice of final denial of the claim pursuant to 28 U.S.C. § 2401(b))

## II. PLAINTIFF INFORMATION

Stephanie Dianna Elliott

Name

5054126 Sampson

Prisoner ID #

Sampson Detention Center

Place of Detention

112 Fontana Street

Institutional Address

Clinton

City

Nc

State

28328

Zip Code

## III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- Pretrial detainee    State    Federal
- Civilly committed detainee
- Immigration detainee
- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner

#### IV. DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1: AUSA Tobi Lathan  
Name  
Assistant US Attorney  
Current Job Title  
150 Fayetteville Street #2100  
Current Work Address  
Raleigh NC 27601  
City State Zip Code

Capacity in which being sued:  Individual  Official  Both

Defendant 2: Department of Justice Eastern District  
Name  
150 Fayetteville Street #2100  
Current Job Title  
Agency  
Current Work Address  
Raleigh NC 27601  
City State Zip Code

Capacity in which being sued:  Individual  Official  Both

**Defendant(s) Continued**

Defendant 3: \_\_\_\_\_

Name \_\_\_\_\_

Current Job Title \_\_\_\_\_

Current Work Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

Capacity in which being sued:  Individual  Official  Both

Defendant 4: \_\_\_\_\_

Name \_\_\_\_\_

Current Job Title \_\_\_\_\_

Current Work Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

Capacity in which being sued:  Individual  Official  Both

V. STATEMENT OF CLAIM

Place(s) of occurrence: 310 Newbern Ave "Courthouse"

Date(s) of occurrence: APRIL 13<sup>th</sup> 2021

State which of your federal constitutional or federal statutory rights have been violated:

Amendment VIII

Amendment V

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

On April 13<sup>th</sup> 2021 USA Tobi Lathan presented false allegations against me in an 31 Count Indictment. The USA Attorney Lathan made threats to me prior to moving to indict me because I was advised by my paid attorney not to take his deal. In pre-indictment PLEA that he offered, he moved to unconstitutionally detain me by abuse of power and his personal feelings. Once I was detained my public defender attorney advised me that USA Lathan told him the time I was facing under the guidelines was not enough time for "Him" He has taken my case personally and vindictively detaining me in jail for 5 months for a non violent white collar crime.

What  
happened  
to you?

I was detained in Jail due to his statements. I am being advised exposed to COVID-19. I have not been able to take care of my son, being housed in very bad Jails 3 so far that are not giving me my medication or medical care for my legs. I feel Race Played a huge part in me being detained.

When did it  
happen to  
you?

On April 13<sup>th</sup> 2021 @ 10am  
310 Newbern Ave Raleigh NC 27601

Where did it  
happen to  
you?

Federal Court house 310 Newbern ave

What was  
your  
injury?

I have been mentally harmed being detained in Jail. My Right leg has poor Vein Circulation I was due for Surgery April 9<sup>th</sup> 2021 I am exposed to Covid19 and other ~~other~~ things being house with drug addicts, murders and my health is failing. I have lost my car and not able to send my Son to Duke to get his heart taken care of.

## VI. ADMINISTRATIVE PROCEDURES

*WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.*

Have you filed a grievance concerning the facts relating to this complaint?  Yes  No

If no, explain why not:

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Is the grievance process completed?  Yes  No

If no, explain why not:

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## VII. RELIEF

*State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.*

I Would like Ausa Lathan Removed  
from my Case and/or \$20,000 in damages

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### VIII. PRISONER'S LITIGATION HISTORY

*The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if that prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. §1915(g).*

Have you brought any other lawsuits in state or federal court while a prisoner?

Yes     No

If yes, how many? \_\_\_\_\_

Number each different lawsuit below and include the following:

- Name of case (including defendants' names), court, and docket number
  - Nature of claim made
  - How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)
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## **IX. PLAINTIFF'S DECLARATION AND WARNING**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

***Each Plaintiff must sign and date the complaint and provide prison identification number and prison address.***

8/1/2021

Dated

Stephan Elliott  
Plaintiff's Signature

Plaintiff's Signature

Stephanie Diana Elliott  
Printed Name

Printed Name

505 4126  
Prison Identification #

Prison Identification #

112 Fontana St. Clinton NC 28328

## Prison Address

## City

## State

Zip Code